

Group X: claims 9 and 11, drawn to a diagnostic aid for quantitative or qualitative detection of coagulation factor VII-activating protease FSAP or its proenzyme, involving ribozymes, classified in class 514, subclass 44.

Group XI: claims 9 and 11, drawn to a diagnostic aid for quantitative or qualitative detection of coagulation factor VII-activating protease FSAP or its proenzyme, involving RNA aptamers, classified in class 514, subclass 44.

See Office Action at pages 2-4.

The Office is also requiring a species election, if one of Groups VI-VIII is elected. See Office Action at page 11. In such a case, the Office is requiring election of one of the following conditions: postoperative hypercoagulable states, complications of pregnancy, tumor status, acute myocardial infarction, and sepsis. *Id.*

Applicants provisionally elect to prosecute Group I, claims 1-3, drawn to a pharmaceutical preparation which comprises an amount, sufficient for promoting coagulation, of natural or synthetic RNA or of one or more coagulation-promoting fragments of natural or synthetic RNA or peptide-nucleic acids, with traverse.

Section 803 of the M.P.E.P. states that “[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” (M.P.E.P. § 803, emphasis added.) Applicants respectfully submit that this policy should apply to this application in order to avoid unnecessary delay, duplicative examination, and unnecessary expense.

Applicants submit that this search can be made without undue burden because a literature search for these groups would be largely coextensive. A thorough search for the pharmaceutical preparations of claims 1-3, should also involve a search for methods or diagnostic aids that directly utilize the pharmaceutical preparations. Applicants also respectfully assert that a thorough search for one type of RNA analog, would also involve a search for another type of RNA analog.

Applicants note that the Office has classified each of Groups I-XI in the same class (514), as well as subclass (44), indicating the coextensive nature of these groups. A search of one group would necessarily involve a search of other groups, and at the very least all of groups I-IV should be examined together. Accordingly, Applicants respectfully request the restriction to be withdrawn.

7 Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 7, 2005

By: Amy E. Purcell
Amy E. Purcell
Reg. No. 53,492